

REMARKS**Status of the Claims**

Claims 11-29 are now in the application.

Independent claim 11, 23 and 25 are amended to clarify that the heating of the drop forged part during deforming is within a temperature range of 5-15 °C above the α / β phase boundary, as supported by paragraph [0019] of the published specification. Further, claims have been amended to refer to °C rather than K for consistency with the specification. One degree C = one degree K, the two scales differ only in the “0” starting point, with K 0 being absolute 0, and C 0 being the freezing point of water.

Office Action***Restriction Requirement (Unity of Invention)***

On page 2 of the above-identified Office action, a restriction requirement has been made under 35 U.S.C. 121 (*Divisional applications*) and 35 U.S.C. 372 (*National stage: Requirement and procedure*), as implemented in 37 CFR § 1.475 (*Unity of invention ... during national stage*)/37 CFR § 1.499 (*Unity of invention during national stage*) between:

- I. Claims 11-22, drawn to a process for producing a drop forged part made of a metal alloy containing 80 wt. % or more Ti and/or Zr and/or Hf.
- II. Claims 23-25, drawn to a drop forget alloy containing 80 wt. % or more Ti and/or Zr and/or Hf.

In response, Applicants elect invention I, process claims 11-22, with traverse.

More specifically, the Office action states:

The inventions listed as I-II do not relate to a single general inventive concept. Under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common technical feature in both groups is the alloy containing 80 wt% or more Ti and/or Zr and/or Hf. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in the prior art. Serfozo et al. (US 4,055,975) discloses forging Ti-6AI-4V alloy rod (which would have greater than 80 weight percent titanium) (col. 3, lines 1-62). Therefore unity of invention is lacking and restriction is appropriate.

In response, Applicants point out that the alloy composition *per se* is not the concept of the present invention. The general inventive concept recited in claims 11-25 is:

- to heat the Ti alloy within the range of 5-15 °C above the α / β phase boundary to form β phases and to subsequently cool the Ti alloy.

The same heating process and range is recited in both the process claims and the product-by-process claims. Accordingly, all claims are directed to the same invention.

Further, *Serfozo et al.* is concerned with the forging of titanium. The passage cited by the Examiner, in particular lines 55-62, disclose various forgeable alpha, beta, and alpha-beta titanium alloys. However, *Serfozo et al* teach heating to 1,700°F, with no regard given to the composition of the titanium alloy or the α / β phase boundary of the alloy.

Accordinlgy,

- *Serfozo et al* do not teach the present invention
- the process claims and product by process claims of the present invention have a unifying inventive concept not disclosed in *Serfozo et al*
- accordingly, all claims should be examined together and found allowable over *Serfozo et al.*

Consequently, reconsideration of the restriction requirement is requested according to 37 CRF 1.143 (*Reconsideration of requirement*) on the grounds that the subject matter recited in the claims of the instant application *is* linked by a single novel and non-obvious general inventive concept.

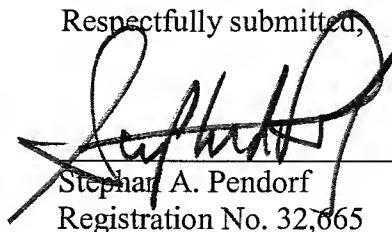
As required by 37 CRF 1.143, - provisionally and under traverse – Invention I, drawn to the process, is elected for prosecution at this time. The following claims read on the elected Invention: Claims 11-22.

The right to file a *Petition under § 1.144 (Petition from requirement for restriction)* is reserved should the requirement for restriction be maintained and be made final.

It will be considered in due time whether or not to file a divisional for any non-elected Invention.

In view of the foregoing, the early issuance of an Action on the merits, and the allowance of the claims are solicited.

Respectfully submitted,



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